

**Notice of Allowability**

Application No.

10/816,786

Examiner

Dan I. Davidson

Applicant(s)

EHRlich, RICHARD M.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 31, 2005.
2. ☒ The allowed claim(s) is/are 5-9, 24-31, 33-39 renumbered as 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 05262004; 06102004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sheldon R. Meyer on September 30, 2005.

The application has been amended as follows:

(1) In claim 5, line 1, "disk" has been replaced with --rotatable medium--.

(2) In claim 24, line 16 (last line), "inner edge and the outer edge" has been replaced with --first end and the second end--.

2. The following is an examiner's statement of reasons for allowance:

Re claim 5; the prior art of record, and in particular Moran et al (US 6,738,205 B1), fails to teach or suggest a reference pattern for a reference surface of a rotatable medium having a frequency of the at least one field varying between the first and second end when the disk is at a spin speed.

Re claim 24; the prior art of record, and in particular Moran et al (US 6,738,205 B1), fails to teach or suggest a reference pattern for a reference surface of a rotatable medium, comprising: a second field extending from the first end to the second end and having: a third set of a plurality of phase-bursts forming a positive chevron angle relative to the preamble; a fourth set of a plurality of phase-bursts forming a negative chevron angle relative to the preamble; and wherein a frequency of the first field relative to the

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head when the rotatable medium is rotated at a spin speed and a frequency of the second field relative to the head when the rotatable medium is rotated at the spin speed vary between the first end and the second end.

Re claim 34; the prior art of record, and in particular Moran et al (US 6,738,205 B1), fails to teach or suggest a reference pattern for a reference surface of a rotatable medium, comprising: a second field including: a third set of a plurality of phase-bursts forming a positive chevron angle relative to the preamble; a fourth set of a plurality of phase-bursts forming a negative chevron angle relative to the preamble; wherein in the transition region one of the first field and the second field is at the first frequency and the other of the first field and the second field is at the second frequency; and wherein in the outer region the first field is at a second frequency and the second field is at the second frequency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Messner et al (US 6,754,016 B2) teach forming frequency modulation patterns on a recording medium for providing position error signals.

Hennecken et al (US 2003/0123174 A1) teach using positive and negative chevrons as a phase pattern in time-based servo recording for a magnetic tape.


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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan I. Davidson whose telephone number is (571) 272-7552. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth, can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**DID**  
Dan I Davidson  
October 2, 2005

  
**DAVID HUDSPETH**  
SUPERVISORY PATENT EXAMINER  
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